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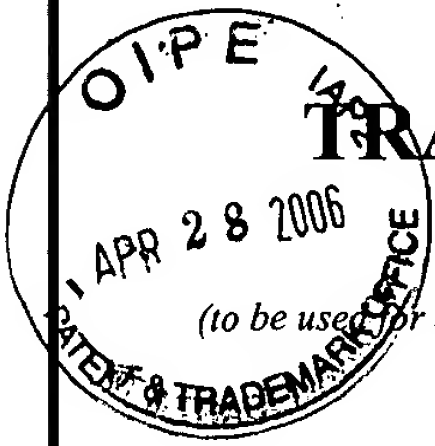
3626

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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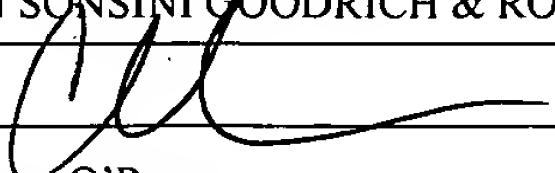
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 TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/881,181	
	Filing Date	June 14, 2001	
	First Named Inventor	Walter Wallach	
	Art Unit	3626	
	Examiner Name	Dilek B. Cabanoglu	
Total Number of Pages in This Submission		Attorney Docket Number	13463-701.201

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return receipt postcard and copies of references 86 cited
<input checked="" type="checkbox"/> Information Disclosure Statement and PTO/SB/08	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	Cecily Anne O'Regan		
Date	April 28, 2006	Reg. No.	37,448

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	FILED VIA EXPRESS MAIL LABEL NO. EV 711418004 US		
Typed or printed name	SEAN MCCAHILL	Date	April 28, 2006

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Attorney Docket No. 13463-701.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Walter Wallach, et al.

Serial Number: 09/881,181

Filing Date: June 14, 2001

Title: SECURE MEDICAL TEST AND
RESULT DELIVERY SYSTEM

Group Art Unit: 3626

Examiner: Dilek B. Cobanoglu

CONFIRMATION NO: 6808

FILED BY EXPRESS MAIL ON: April 28 2006
EXPRESS MAIL LABEL NO.: EV 711 418 004 US

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached forms PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached forms PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

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A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;

-- OR --

☐ (3) It is being filed before the mailing of a first Office action on the merits;

-- OR --

☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a statement as specified in §1.97(e) provided concurrently herewith;

-- OR --

☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);

-- AND --

ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e). Statement.

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);

-- AND/OR --

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND


☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.13463-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 4/22/06

By: 
Cecily Anne O'Regan
Registration No. 37,448

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971



PTO/SB/08 (07/05)

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/881,181
				Filing Date	June 14, 2001
				First Named Inventor	Walter Wallach
				Art Unit	3626
				Examiner Name	Dilek B. Cobanoglu
Sheet	1	Of	10	Attorney Docket Number	13463-701.201

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	97	US- 3,712,412	01-23-1973	Hassett, et al.	
	98	US- 3,936,606	02-03-1976	Wanke	
	99	US- 4,044,203	08-23-1977	Swinbanks	
	100	US- 4,177,874	12-11-1979	Angelini, et al.	
	101	US- 4,407,293	10-04-1983	Suarez, et al.	
	102	US- 4,473,906	09-25-1984	Warnaka, et al.	
	103	US- 4,527,282	07-02-1985	Chaplin, et al.	
	104	US- 4,665,549	05-12-1987	Eriksson, et al.	
	105	US- 4,715,367	12-29-1987	Crossley, R.	
	106	US- 4,715,559	12-29-1987	Fuller	
	107	US- 4,722,346	02-02-1988	Chen	
	108	US- 4,920,854	05-01-1990	Scanlon	
	109	US- 4,964,100	10-16-1990	Srou, et al.	
	110	US- 4,977,600	12-11-1990	Ziegler	
	111	US- 5,076,284	12-31-1991	Joyce, et al.	
	112	US- 5,150,414	09-22-1992	Ng	
	113	US- 5,245,995	09-21-1993	Sullivan et al.	
	114	US- 5,258,906	11-02-1993	Kroll, et al.	
	115	US- 5,353,788	10-11-1994	Miles	
	116	US- 5,515,865	05-14-1996	Scanlon	
	117	US- 5,522,862	06-04-1996	Testerman, et al.	
	118	US- 5,572,421	11-05-1996	Altman, et al.	
	119	US- 5,612,870	03-18-1997	Welner	
	120	US- 5,684,460	11-04-1997	Scanlon	
	121	US- 5,784,300	07-21-1998	Neumeier, et al.	

Examiner Signature		Date Considered	
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Sheet	2	Of	10	Attorney Docket Number	13463-701.201

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	122	US- 5,790,785	08-04-1998	Klug, et al.	
	123	US- 5,796,340	08-18-1998	Miller	
	124	US- 5,978,466	11-02-1999	Quattrocchi	
	125	US- 6,018,713	01-25-2000	Coli, et al.	
	126	US- 6,142,950	11-07-2000	Allen, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	127	WO 1989/07701	08-24-1989	Gardner, et al.		
	128	WO 2000/20047	04-13-2000	Sleep Solutions		
	129	WO 1997/40748	11-06-1997	Scanlon, M.		

Examiner Signature		Date Considered	
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				Examiner Name	Dilek B. Cobanoglu
Sheet	3	Of	10	Attorney Docket Number	13463-701.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	130	Agency for Health Care Policy and Research (AHCPR, Department of Health and Human Services, U.S. Public Health Service. Systematic Review Report/Technology Assessment Number 1. AHCPR Publication 99-E002, February 1999	
	131	ApneaScreen I from CNS, your partner of choice. ApneaScreen I™, 1992	
	132	ASDA Report, 1992. EEG Arousals: Scoring Rules and Examples- A Preliminary Report from the Sleep Disorders Atlas Task Force of the American Sleep Disorders Association. <i>Sleep</i> 15: 173-75.	
	133	BARBE, ET AL., 2001. Treatment with continuous positive airway pressure is not effective in patients with sleep apnea but no daytime sleepiness. <i>Ann Intern Med</i> 134: 1015-23	
	134	BAXT, ET AL., 1991. Use of an artificial neural network for the diagnosis of myocardial infarction. <i>Ann Intern-Med</i> 115: 843-48.	
	135	BERGER, ET AL., 1986. An Efficient Algorithm for Spectral Analysis of Heart Rate Variability. <i>IEEE Trans Biomed Eng.</i> 33: 900-904.	
	136	BERTHON-JONES ET AL., 1994. Sleep & Breathing: Therapy 10:15 to 11:30 am A SELF-ADJUSTING CPAP DEVICE FOR OSA. Abstract from APPS 8th Annual Meeting	
	137	BRAMMER, 1995. SIZING UP SMALL CAPS Rude Awakening? <i>Barron's</i> , 17	
	138	BREIMAN, ET AL., 1984 Classification and Regression Trees, Belmont CA, , <i>Wadsworth International Group</i>	
	139	BREIMAN, L., 1996. The Heuristics of Instability in Model Selection. <i>Annual Stat.</i> 24: 2350-83	

Examiner Signature		Date Considered	
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Sheet	4	Of	10	Attorney Docket Number	13463-701.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	140	BRISKORN, 1995. Sleep Market Wide Awake- It's a booming market, but success in the sleep testing and therapy business depends on partnering with physicians and managed care payers. <i>Homecare</i> 97-100.	
	141	CARSKADON, ET AL., Monitoring and Staging Human Sleep. Chapt. 89: 943-953	
	142	CHAFFIN, ET AL., 1995. The neural network analysis to predict sleep disordered breathing. <i>Chest</i> 108: 162S.	
	143	CHINER, ET AL., 1999. Nocturnal oximetry for the diagnosis of the sleep anoea hypopnoea syndrome: a method to reduce the number of polysomnographies? <i>Thorax</i> 54: 968-971	
	144	CHOI, ET AL., 2000. Which Derivative from Overnight Oximetry Best Predicts Symptomatic response to Nasal Continuous Positive Airway Pressure in Patients with Obstructive Sleep Apnea? <i>Respir Med</i> 94: 895-899	
	145	CLARK, ET AL., 1994. Prognostic factors: rationale and methods of analysis and integration. <i>Breast Cancer Res Treat</i> 32: 105-12.	
	146	CROCKER, ET AL., 1990. Estimation of the probability of disturbed breathing during sleep before a sleep study. <i>Am Rev Respir Dis</i> 142: 14-18.	
	147	CUMMISKEY, ET AL., 1982. The Detection and Quantification of Sleep Apnea by Tracheal Sound Recordings. <i>Am Rev Respir Dis</i> 126: 221-224	
	148	DAVIS, Alert and Energetic. <i>Sleep Studies</i> 12	
	149	DOUGLAS, N.J., 2000. Upper airway resistance syndrome is not a distinct syndrome. <i>Am J Respir Crit Care Med</i> 161: 1413-1416	
	150	DOUGLAS, ET AL., 1992. Clinical value of polysomnography. <i>Lancet</i> 339: 347-350	

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	151	DOYE, ET AL., 1994. Predicting outcomes after liver transplantation. <i>Ann Surg</i> 219: 408-15	
	152	DYBOWSKI, ET AL., 1996. Prediction of outcome in critically ill patients using artificial neural network synthesized by genetic algorithm. <i>Lancet</i> 347: 1146-50	
	153	DYKEN, ET AL., 1996. Investigating the relationship between stroke and obstructive sleep apnea. <i>Stroke</i> 27 :401-07.	
	154	EL-SOLH, ET AL., 2003. The utility of neural network in the diagnosis of Cheyne-Stokes respiration. <i>Journal of Medical Engineering and Technology</i> 27(2): 54-58	
	155	EL-SOLH, ET AL., 1996. A comparison of severity of illness scoring systems for critically ill obstetric patients. <i>Chest</i> 110: 1299-1304	
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	157	ENGLEMAN, ET AL., 1999. Randomized placebocontrolled crossover trial of continuous positive airway pressure for mild sleep/apnea hypopnea syndrome. <i>Am J Respir Crit Care Med</i> 159: 461-467	
	158	FINDLEY, ET AL., 1985. Cheyne-Stokes breathing during sleep in patients with left ventricular heart failure. <i>South Med. J.</i> 78: 11-5	
	159	FLEMONS, ET AL., 1994. Likelihood ratios for a sleep apnea clinical prediction rule. <i>Am J Respir Crit Care Med</i> 150: 1279-1285	
	160	FRIEDMAN, JH., 1991. Multivariate adaptive regression splines (with discussion). <i>Annals of Statistics</i> 19: 1-141	
	161	GRANTON, ET AL., 1996. CPAP improves inspiratory muscle strength in patients with heart failure and central sleep apnea. <i>Am J Respir Crit Care Med</i> 153: 277-82	

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				Filing Date	June 14, 2001
				First Named Inventor	Walter Wallach
				Art Unit	3626
				Examiner Name	Dilek B. Cobanoglu
Sheet	6	Of	10	Attorney Docket Number	13463-701.201

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	162	GUILLEMINAULT, ET AL., 1993. A cause of excessive daytime sleepiness: the upper airway resistance syndrome. <i>Chest</i> 104: 781-787	
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	172	HURVICH, ET AL., 1989. Regression and time series model selection in small samples <i>Biometrika</i> 76: 297-307	

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	173	ISSA, ET AL., 1993. Digital monitoring of sleep-disordered breathing using snoring sound and arterial oxygen saturation. <i>Am J Respir Dis</i> 148: 1023-29	
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	175	JAVAHERI, ET AL., 1998. Sleep apnea in 81 ambulatory male patients with stable heart failure: types and their prevalences, consequences, and presentations. <i>Circulation</i> 97: 2154-59	
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	180	LONG, ET AL., 1993. A comparison of logistic regression to decision tree induction in a medical domain. <i>Comp Biomed Res</i> 26: 74-97	
	181	LOUBE, ET AL., 1999. Indications for Positive Airway Pressure Treatment of Adult Obstructive Sleep Apnea Patients: A Consensus Statement. <i>Chest</i> 115: 863-866	
	182	MAISLIN, ET AL., 1995. A survey screen for prediction of apnea. <i>Sleep</i> 18: 158-66	
	183	MAISLIN, ET AL., 1994. The prevalence of frequent episodes of falling asleep while driving in patients seen at sleep disorders centers. <i>Sleep Res</i> 23: 133	

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	184	MARGERAND, 1988. The Third Dimension: Symmetrically Loaded. <i>Speaker Builder</i> 29-36 and 64	
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	190	OLSON, ET AL., 1999. Prediction of Sleep-disordered Breathing by Unattended Overnight Oximetry. <i>Journal of Sleep Research</i> 8: 51-55	
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	195	RECHTSCHAFFEN, ET AL., 1968. <i>A Manual of Standardized Technology, Techniques and Scoring System for Sleep Stages of Human Subjects</i> . Los Angeles: UCLA Brain Information Service/Brain Research Institute	
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	206	VAZQUEZ, ET AL., 2000. Automated Analysis of Digital Oximetry in the Diagnosis of Obstructive Sleep Apnea. <i>Thorax</i> 55: 302-307	
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